

USPTO Customer No. 25280

Case 5014A

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REMARKS

SEP 14 2006

Summary of Claim Amendments

Claim 2 has been amended to recite that the fabric contains warp yarns made of natural fibers and filling yarns made of natural fibers. Claim 3 has been cancelled.

Rejection under 35 USC 102

Claims 2-7 and 10-16 are rejected under 35 USC 102(b) as being anticipated by US Patent 4,109,038 to HAYASHI et al.

The argument presented in the Office Action is essentially as follows:

HAYASHI et al. teach a suede-like raised woven fabric, which comprises warp yarns and weft yarns and an elastic polymer applied to the fabric. The fiber can be natural fibers, such as wool or cotton. After application, the elastic polymer can be solidified by coagulation. The woven fabric can have a satin weave construction. The raised fibers are napped fibers. The coating is applied to the back-side surface, or the surface that has the least amount of raised fibers, if both sides have undergone the raising process. The elastic polymer is also impregnated into said fabric, which anticipates the limitation of Claim 2, which requires that the polymer is partially incorporated into the fabric.

HAYASHI teaches a woven fabric, where the weft yarns are either a single twist filament yarn or a loopy textured filament yarn (Col. 3, lines 15-19). HAYASHI specifically contemplates the use of multi-component yarns (e.g., hollow composite fibers or island-in-the-sea yarns) for the weft yarns. These yarns are synthetic.

Applicants have amended Claim 2 to recite that the warp and filling yarns of the subject fabric are made of natural fibers. Support for such amendment is found, at least, on page 10 (lines 5-10) and in Examples 1-4 and 8. HAYASHI's Examples, on the other

USPTO Customer No. 25280

Case 5014A

hand, teach only the use of synthetic materials in the warp and filling. Thus, there is at least one difference between the HAYASHI reference and the present claims.

A second difference is in the coating material applied to the fabric. HAYASHI describes an "elastic polymer" coating and provides a list of possible polymer materials (Col. 6, lines 52-63). The elastic polymer is put into the form of a solution or emulsion and applied to the fabric (e.g., by emulsion as described in Example 1 and 4). HAYASHI does not describe a polymer coating that is "coagulated," as described in the present application.

As described in the present application, the elastomer composition includes a waterborne polymer latex, an acid-generating chemical, a cloud-point surfactant, and a foam-stabilizing surfactant (page 5, lines 10-14). The elastomer composition is applied as a foam, after which the coated fabric is heated, thereby generating an acid, gelling the cloud-point surfactant, and coagulating the coating composition over the fabric. This process results in a softer and more pliable substrate than that produced with immersion coating (as described in the present Examples 5 and 6) and that produced with polymers alone. Thus, HAYASHI's "elastic polymer" is different from Applicant's "elastomer composition."

Because the reference fails to teach all of the limitations of Applicants' claims, Applicants believe the rejection under 35 USC 102 to be improper and respectfully request that it be withdrawn.

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USPTO Customer No. 25280

Case 5014A

Rejection under 35 USC 103

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over US Patent 4,109,038 to HAYASHI et al. in view of US Patent Application Publication No. 2003/0190853 to LOVINGOOD.

The argument presented in the Office Action is essentially as follows:

HAYASHI et al. fail to teach calendering. LOVINGOOD is drawn to stretchy woven fabrics using natural yarns. LOVINGOOD teaches that the woven fabric can be napped or calendered on the surface. It would have been obvious to use calendering on the surface of the fabric of HAYASHI, as taught by LOVINGOOD, motivated by a desire to create a smooth surface of the woven fabric.

LOVINGOOD is directed to the production of a chambray fabric, where a non-blended warp of one fiber type and a non-blended filling of a second fiber type are non-union dyed. In one embodiment, synthetic yarns are used in the warp direction, and cellulosic yarns (e.g., cotton) are used in the filling direction.

To establish a *prime facie* case of obviousness, there must be some motivation to combine the references. In this instance, Applicants believe that no such motivation exists. LOVINGOOD is directed to creating a fabric with a chambray appearance, while HAYASHI is directed to the production of artificial suede. The only similarity between such references is the use of textile fabrics. One seeking to improve the HAYASHI coated fabric would not be motivated to consider the teachings of LOVINGOOD, when LOVINGOOD provides no teachings of coatings whatsoever.

Even assuming, for the sake of argument, that one were, by some chance, motivated to combine LOVINGOOD with HAYASHI, he would not arrive at the presently claimed

USPTO Customer No. 25280

Case 5014A

invention. Both LOVINGOOD and HAYASHI teach synthetic-containing fabrics. However, neither reference provides any teaching of a woven fabric having natural warp and fill yarns, where the woven fabric has a coagulated elastomeric coating on at least one side. Further, neither of the references (either alone or in combination) provides a teaching of such a coagulated elastomeric coating.

Because there is no motivation to combine the references and because the references, if combined, fail to teach all of the limitations of Applicants' claims, Applicants believe that no *prima facie* case of obviousness has been established. Accordingly, Applicants respectfully request the withdrawal of such rejection.

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USPTO Customer No. 25280

Case 5014A

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In view of all of the previous remarks, Applicants respectfully submit that this application is now in condition for allowance. Entry of this Amendment and issuance of a Formal Notice of Allowance is courteously solicited.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be resolved promptly and satisfactorily.

It is believed that this response is being timely filed and that no fees are owed with this submission. In the event that there are fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted,



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